

**MINUTES**  
**YORK COUNTY PLANNING COMMISSION**  
Work Session  
York Hall, 301 Main Street  
August 2, 2006

**MEMBERS**  
Christopher A. Abel  
Nicholas F. Barba  
Anne C. H. Conner  
John R. Davis  
Alexander T. Hamilton  
Alfred E. Ptasznik, Jr.  
John W. Staton

**CALL TO ORDER**

Chair Alfred E. Ptasznik, Jr. called the meeting to order at 7:00 PM.

**ROLL CALL**

The roll was called and Messrs. Barba, Davis, Hamilton, Ptasznik and Staton were present. Mr. Abel and Ms. Conner were absent. Staff members present were J. Mark Carter, Timothy C. Cross, and Amy Parker. Several members of the public observed.

**Timothy C. Cross, AICP**, Principal Planner, along with **Mr. Mark Carter**, Assistant County Administrator, led a discussion of the staff report dated July 27, 2006. Mr. Cross projected maps depicting Map Area 3, Old Mooretown Road; Map Area 5, Fenton Mill Road; Map Area 6, Airport Road; Map Area 11, Merrimac Trail, Map Area 16, Waterview Road; Map Area 20, Hornsbyville Road; Map Areas 22, 23, 23A, 23B, and 24, Seaford/Bay Tree Beach/York Point area where 261 parcels are proposed for rezoning from RR (Rural Residential) to RC (Resource Conservation); Map Area 26, Route 17 and Old York-Hampton Highway; Map Area 35, Tide Mill Road; and Map Area 38, Big Bethel Road.

Mr. Cross explained that since the July 12<sup>th</sup> public hearing, staff has been working to address the various concerns and questions that had been raised by the public by phone, mail, email, in person or at the public hearing. He stated that staff had contacted many of the property owners and that some of the concerns have been resolved. He stated that staff was prepared to discuss each of the properties in question and suggested the Commission review and discuss them one at a time.

The particular areas were discussed by the Commission and staff prior to the Commission reaching a consensus on each or, in some cases, tabling them for further discussion.

**Map Area 3**

**Property Owner:** Lightfoot Medical, LLC (Roger E. Schultz, M.D.)  
**Property Address:** 6270 Old Mooretown Road  
**Acreage:** 0.37 acre

**Property Owner:** Mr. and Mrs. Robert Rojas  
**Property Address:** 6280, 6282, and 6284 Old Mooretown Road  
**Acreage:** 6.86 acres (3.04, 2.07, and 1.75 acres respectively)

**Property Owner:** Clarice B. Jones and Cheryl L. Jones

**Property Address:** 6286, 6290-A, and 6292-B Old Mooretown Road

**Acreage:** 1.97 acres (0.95, 0.51, and 0.51 acre respectively)

**Property Owner:** M. J. Needham

**Property Address:** 6300 Old Mooretown Road

**Acreage:** 10.23 acres

**Property Owner:** Carolyn Baker

**Property Address:** 6290 Old Mooretown Road

**Acreage:** 0.99 acre

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**Current Zoning:** EO – Economic Opportunity

**Proposed Zoning:** RR – Rural Residential

**Discussion:** A number of property owners on Old Mooretown Road had contacted staff. No comments were received from James City County. The staff indicated there should be no problem rezoning Dr. Schultz's property to RR, as he requested, and recommended his property line to be the demarcation between EO and RR. Mr. Davis asked if the staff wanted to preserve the character of the neighborhood and noted the likelihood that the area could evolve into a commercial strip by virtue of market demand. Mr. Carter said there are no commercial uses fronting Old Mooretown Road at the present time, except an access road to Sentara Hospital. He said the main focus of the Comprehensive Plan discussions was to protect the existing residential character along this segment of Mooretown Road and recognition that the road was narrow and incapable of handling traffic that intensive commercial development would create. Mr. Staton said at least half of the property owners had indicated they wanted their property to remain EO. Mr. Carter said some of the residents were interested in subdividing their properties but - given the size of the lots and the lack of sewer - that would not appear to be possible, even if rezoned to RR. Mr. Ptasznik said it appeared the people who owned the most acreage along Old Mooretown Road wanted the zoning to remain EO, but they owned a small portion of the total acreage. He said he did not anticipate any commercial development until public sewer was available. A member of the Economic Development Authority served on the Comprehensive Plan Steering Committee and had recommended residential zoning for this area. The market appeared headed toward business and commercial uses, and a developer may in time want to purchase all of the properties for commercial development. Mr. Carter believed to rezone parcel by parcel would result in a patchwork quilt effect. Based on discussion of citizens' requests and concerns, sizes of the lots, lack of public sewer, possible impact of the hospital on the area, including increased traffic, and the negative impacts of "spot zoning," the Commission recommended no change.

**Consensus:** *No change (EO)*

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### **Map Area 5**

**Property Owner:** Mark H. Holland

**Property Address:** 111 Fenton Mill Road

**Acreage:** 4.06 acres

**Current Zoning:** IL – Limited Industrial

**Proposed Zoning:** RR – Rural Residential

**Discussion:** Existing storage facility, small mobile home park, all other uses residential. No public water or sewer available.

**Consensus:** *Rezoned to RR*

### **Map Area 6**

**Property Owner:** Mr. and Mrs. Carroll Fulks

**Property Address:** 423 Airport Road

**Acreage:** 2.0 acres

**Current Zoning:** RR – Rural Residential

**Proposed Zoning:** RC – Resource Conservation

**Discussion:** Mr. Cross stated that the property owner had questioned the rationale for the rezoning but did not express direct opposition. He noted that this is one of several similarly situated parcels that are surrounded by RC-zoned watershed property owned by the City of Williamsburg for reservoir protection. Mr. Carter added that because no public water or sewer available, the minimum lot size under the current zoning is 2 acres.

**Consensus:** *Rezone to RC*

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### **Map Area 11**

**Property Owner:** Philip Morris Inc.

**Property Address:** 1715 Merrimac Trail

**Acreage:** 2.0 acres

**Current Zoning:** IL – Limited Industrial (conditional)

**Proposed Zoning:** EO – Economic Opportunity

**Discussion:** Mr. Cross stated that the property was conditionally rezoned to IL many years ago subject to proffered conditions aimed at protecting adjoining areas from adverse effects of intensive development. For these reasons, he stated, staff feels the current zoning is appropriate. Mr. Carter explained that the existing proffers would remain in effect if the property were rezoned. Mr. Carter noted the property owner does not want the existing plant to become a nonconforming use and preferred no zoning change, while the Comprehensive Plan designates the property as Economic Opportunity. Mr. Davis favored rezoning the property to EO, while the other commissioners agreed with the staff's recommendation to leave the zoning as is.

**Consensus:** *No change (IL)*

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### **Map Area 16**

**Property Owner:** Bette H. Reiser

**Property Address:** 103 North Beach Road

**Acreage:** 3.72 acres

**Current Zoning:** WCI – Water-oriented Commercial/Industrial (conditional)

**Proposed Zoning:** RR – Rural Residential

**Discussion:** Mr. Cross explained that the parcel was conditionally rezoned to WCI in 1989 for future expansion of the adjacent Wormley Creek Marina. Mr. Carter added that when the property was rezoned, residential uses were permitted in the WCI zoning district and the current owner built the house with the intention and understanding of ultimately operating a marina on the property. The owner prefers retaining the current zoning.

**Consensus:** *No change (WCI)*

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### **Map Area 20**

**Property Owner:** Mr. and Mrs. Graydon C. Moose

**Property Address:** 706 Hornsbyville Road

**Acreage:** 7.28 acres

**Current Zoning:** IG – General Industrial

**Proposed Zoning:** RR – Rural Residential

**Discussion:** Mr. Cross explained that the purpose of rezoning the Hornsbyville Road frontage to RR was to prevent industrial access from this parcel and the adjoining vacant industrial property owned by Dominion Virginia Power on Hornsbyville Road, which is a mainly residential road.

**Consensus:** *Rezoned to RR*

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### **Map Area 22**

**Property Owner:** H. R. Ashe

**Property Address:** Waterfront parcels on Back Creek

**Acreage:** 1.60 acres (0.42 acre, 0.38 acre, 0.29 acre, 0.22 acre, and 0.29 acre respectively)

**Current Zoning:** WCI – Water-oriented Commercial/Industrial

**Proposed Zoning:** RR – Rural Residential

**Discussion:** Mr. Cross stated that the owner wants to maintain the WCI designation because the parcels appear to be well situated for a marina or other waterfront development. He noted that while the staff agrees that this area has potential for marina development, it does not have adequate road access, and since marinas are permitted as a matter of right in the WCI district, there is no way under the current zoning for the County to require the property owner to build a road capable of serving the traffic that such a development would generate. The only way to ensure this, he explained, is to rezone the property to something other than WCI, giving Mr. Ashe an opportunity to apply for a conditional rezoning in the future, with proffers to address the road access issue. The premise of the Comprehensive Plan designation and the proposed rezoning is that it should only be developed for commercial purposes if a second means of access is provided from Seaford Road.

**Consensus:** *Rezoned to RR*

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### **Map Area 23**

**Property Owner:** William Green

**Property Address:** 424 and 431 Spivey Lane

**Acreage:** 1.08 acres (0.44 acre and 0.64 acre, respectively)

**Discussion:** Mr. Cross stated that Mr. Green had spoken against the proposed rezoning, but noted that it would not affect his property because there is not sufficient property to subdivide, much of it is less than four feet (4') above mean sea level, and all of it is in the Chesapeake Bay Resource Protection Area (RPA). He explained that property below the 4-foot contour can be developed but cannot be included in the calculation of total developable acreage for the purpose of determining the allowable development density. Mr. Cross added most of the Seaford area properties that are proposed for rezoning from RR to RC are similarly constrained and would not be affected by the rezoning, and he displayed a map showing the potentially affected parcels.

**Property Owner:** Howard and Rachel Osborn

**Property Address:** 3600, 3601, and 3701 Seaford Road

**Acreage:** 22.92 acres (0.37 acre, 7.90 acres and 14.65 acres, respectively)

**Discussion:** Mr. Cross stated that the development potential of the Osborns' property would be significantly reduced by the proposed rezoning. Unlike many of the Seaford area properties proposed for rezoning to RC, he noted, the Osborn property appears to be entirely above the 4-foot contour and therefore developable, although much of the land lies within the (RPA), which might limit the potential lot yield whether or not the property is rezoned. He stated that the most likely development scenario would be as a cluster subdivision, where the RPA could be set aside as common open space which, though not platted for individual lots, could be included in the total acreage for the purposes of calculating the permitted development density. Mr. Carter further explained that the Chesapeake Bay regulations require that there be sufficient land outside the RPA for the building envelope on any new lots created.

**Property Owner:** Carlton C. Moore Sr.

**Property Address:** 507A Wildey Road

**Acreage:** 1.13 acres

**Discussion:** Mr. Cross stated that the property is not large enough to subdivide under the current zoning and is entirely within the RPA and therefore would not be affected by the proposed rezoning.

**Property Owner:** Robert E. Schlegel

**Property Address:** 903 Bay Tree Beach Road

**Acreage:** 0.33 acre

**Discussion:** Mr. Cross stated that Mr. Schlegel owns over 150 acres in the area but that this small parcel is the only property of his proposed for rezoning. He noted that because of its small size, it cannot be subdivided under the current zoning and thus would not be affected by the proposed rezoning. Mr. Carter added that he had explained this to Mr. Schlegel but that he remains opposed out of a general opposition to downzoning in principle.

**Property Owner:** Phillip C. and Sue N. Presson

**Property Address:** 414 Wildey Road

**Acreage:** 3.28 acres

**Discussion:** Mr. Cross noted that the property owners had sent the Commission a letter expressing their desire that the property keep its current zoning. He stated that they want to create a family subdivision but were waiting for the public sewer extension to be completed.

**Current Zoning:** RR – Rural Residential

**Proposed Zoning:** RC – Resource Conservation

### **Map Area 23A**

**Property Owner:** Dick Ashe (Tranquil Harbor Land Co.)

**Property Address:** 209, 223, and 231 Hansford Lane

**Acreage:** 11.65 acres (6.00 acres, 1.00 acre, and 4.65 acres respectively)

**Current Zoning:** RR – Rural Residential

**Proposed Zoning:** RC – Resource Conservation

**Discussion:** Mr. Cross stated that the property owner had spoken at the public hearing to oppose the proposed rezoning to RC because he felt it would reduce its development potential. However, he noted, all but approximately one acre of this 11.65-acre property is below the 4-foot contour, making it impossible to increase the lot yield by resubdividing it, regardless of the zoning. Mr. Cross stated that with three lots of record, Mr. Ashe can build a maximum of three homes whether or not the parcels are rezoned.

### **Map Area 23B**

**Property Owner:** Robert and Marie St. Claire

**Property Address:** 308 Wildey Road

**Acreage:** 4.74 acres

**Current Zoning:** RR – Rural Residential

**Proposed Zoning:** RC – Resource Conservation

**Discussion:** Property owners want the opportunity to subdivide their property after public sewer becomes available, which would not be allowed under RC.

**Consensus - Map Areas 23, 23A and 23B:** *None; after discussion, the Commission tabled its consideration of the Seaford area parcels to a future work session.*

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### **Map Area 24**

**Property Owner:** Wallace Smith

**Property Address:** 815 Railway Road

**Acreage:** 0.37 acre

**Current Zoning:** WCI – Water-oriented Commercial/Industrial

**Proposed Zoning:** RR – Rural Residential

**Discussion:** Mr. Cross stated that the property owner spoke at the public hearing in favor of retaining the WCI zoning. The property is occupied by a single-family detached home is surrounded by a marina and a marine railway, he noted, but road access is poor, and staff felt that road conditions would be exacerbated by additional commercial development.

**Consensus:** *WCI*

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### **Map Area 26**

**Property Owner:** Carl A. Barrs

**Property Address:** 7423, 7437, 7505, 7517, 7521, and 7529 George Washington Memorial Highway

**Acreage:** 3.10 acres (0.14 acre, 0.49 acre, 0.97 acre, 0.56 acre, 0.51 acre, and 0.43 acre respectively)

**Current Zoning:** IL – Limited Industrial

**Proposed Zoning:** GB – General Business

**Discussion:** Mr. Cross stated that the property owner and several of his representatives spoke against the proposed rezoning at public hearing. He noted that the parcels under consideration for rezoning do not include the existing stone yard/contracting business; all are along Route 17 and are either undeveloped or developed with nonconforming houses. Mr. Cross added that the current IL zoning would allow such uses as mini-storage warehouses and auto garages along Route 17 as a matter of right. Mr. Carter said that he had spoken with Mr. Barrs' son and that the owners apparently believe rezoning these parcels to GB would hinder the operation and growth of the existing business, even though there are opportunities for expansion on vacant property that they own and that is proposed to retain its IL zoning. The owners believe there are desirable uses allowed in IL but not in GB zones. Mr. Davis stated that the property would have more potential value to the owners if rezoned to GB. Mr. Davis and Mr. Barba agreed to meet with Mr. Barrs to discuss his concerns before the next Commission work session.

**Consensus:** *None; after discussion, the Commission tabled its consideration of these parcels to a future work session.*

**Property Owner:** Clarence Lee

**Property Address:** 409 Old York-Hampton Highway

**Acreage:** 0.34 acre

**Current Zoning:** IL – Limited Industrial

**Proposed Zoning:** GB – General Business

**Discussion:** Mr. Cross stated that Mr. Lee spoke at the public hearing to inquire about the potential effect of the proposed rezoning. Staff has since met with Mr. Lee, who wants to continue residing in the house on his property and possibly build an addition to the house. Mr. Cross stated that he expressed no other concerns when told the rezoning to GB would not affect his plans.

**Consensus:** *Rezone to GB*

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### **Map Area 35**

**Property Owner:** County of York, Virginia

**Property Address:** 705, 707, and 711 Tide Mill Road (Rodgers A. Smith Boat Landing)

**Acreage:** 2.21 acres

**Current Zoning:** RR – Rural Residential

**Proposed Zoning:** RC – Resource Conservation

**Discussion:** Mr. Cross stated that an adjacent property owner had spoken at the public hearing to inquire about whether or not the proposed rezoning would affect his property. Mr. Cross explained that the purpose of the proposed rezoning is merely to recognize the property's use as a public boat landing since County parks and recreational facilities are zoned RC.

**Consensus:** *Rezone to RC*

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### **Map Area 38**

**Property Owner:** Elfreda W. Wynder etals and Alfreli W. Wilmore etals

**Property Address:** 3103 and 3107 Big Bethel Road

**Acreage:** 0.98 acre and 0.80 acre respectively

**Current Zoning:** GB – General Business

**Proposed Zoning:** LB – Limited Business

**Property Owner:** Nannie Hudson

**Property Address:** 3017 Big Bethel Road

**Acreage:** 1.97 acres

**Current Zoning:** GB – General Business

**Proposed Zoning:** LB – Limited Business

**Discussion:** Mr. Cross stated that the Commission had received letters from several people who own property at the intersection of Hampton Highway and Big Bethel Road and are opposed to the proposed rezoning based on a concern that property values will decline as a result. Mr. Ptasznik expressed a desire to limit noisy businesses in proximity to residences and believed the proposed zoning would be a step in that direction, and would also provide the benefits of restrictions imposed by LB zoning.

**Consensus:** *Rezone to LB*

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The Commission requested the staff to schedule another work session. The members thanked the staff for the maps and advance materials provided for this meeting and indicated they were very useful. Mr.

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Carter requested that the members advise staff of any questions or concerns related to other particular areas that have not been or are not scheduled to be addressed during these discussions.

**ADJOURN**

The Chair called adjournment at 8:56 PM.

**SUBMITTED:**

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Phyllis P. Liscum, Secretary

**APPROVED:**

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Alfred E. Ptasznik, Jr., Chair

**DATE:**

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